

Application No. 10/816,101
Amendment dated
Reply to Office Action of

Docket No.: 66274-0001

REMARKS

This amendment is intended to be fully responsive to the Office Action having a mailing date of September 27, 2005, wherein claims 1, 2, 5-14 and 17-26 are rejected. Claims 3, 4, 15 and 16 are objected to. Claims 27-31 have previously been withdrawn. Claims 2, 3, 14, and 15 have been canceled. Claims 32 and 33 are new.

Applicants have carefully reviewed the Office Action and thank Examiner Chambers for the detailed review of the pending claims. Applicants respectfully request reconsideration of the present application in view of the above amendment and the following remarks.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 5, 6, 9 and 10 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent Application 4,051,036 to Nelson et al. ("Nelson") as well as U.S. Patent 3,989,027 to Kahelin ("Kahelin"). Applicants respectfully traverse these rejections.

Independent claim 1 has been amended to include "a release mechanism configured to receive said hockey puck from said feed chute and to downwardly release said hockey puck, wherein said feed and said release of said hockey puck are powered by said power supply, and wherein said release mechanism is configured to facilitate a leveling of said hockey puck such that said hockey puck is generally horizontal when released." (Emphasis added).

In Nelson, a tennis teaching machine is disclosed where "[a] tennis ball 23 can be projected downwardly from the end of the extension arm 21 by action of the solenoid 22." (See Col. 2, Lines 32-34; FIG. 1). Thus, because a tennis ball is spherical, the release mechanism cannot be "configured to facilitate a leveling of said hockey puck" as is required by claim 1.

In Kahelin, "[a]n improved compressed gas ball propelling machine having various barrel extensions" is shown. (See Abstract; FIG. 1). As previously mentioned, no "leveling of said hockey puck" is performed where the reference propels spherical objects, or balls in this

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case. Further, Kahelin discloses a system for propelling a ball in a generally horizontal direction. (See FIG. 1). However, as amended, claim 1 requires "a release mechanism configured to receive said hockey puck from said feed chute and to downwardly release said hockey puck." (Emphasis added). Thus, because Kahelin discloses a horizontal system, Kahelin does not disclose a downwardly releasing system. Therefore, Kahelin does not anticipate amended claim 1.

Both Nelson and Kahelin disclose apparatuses for projecting balls. As discussed above, amended claim 1 requires that "said release mechanism is configured to facilitate a leveling of said hockey puck such that said hockey puck is generally horizontal when released." (Emphasis added). Because a ball is spherical, neither Nelson nor Kahelin include features for leveling of a hockey puck as is required by claim 1. Further, Kahelin does not disclose a system for downwardly releasing a hockey puck. Thus, for at least these reasons, claim 1 is in condition for allowance. Claims 5, 6, 9 and 10 depend from claim 1. Thus, for at least the same reasons, claims 5, 6, 9 and 10 are in condition for allowance.

Claim Rejections – 35 U.S.C. § 103

Applicants note that the arguments above with respect to Nelson and Kahelin are equally applicable here.

Claims 1-2, 5-7, 9-14, 17-20, 22, 23 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 3,665,910 to Boni ("Boni") in view of U. S. Patent 5,133,330 to Sharp ("Sharp"). Dependent claims 2 and 14 have been canceled. Applicants respectfully traverse these rejections.

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Independent Claim 1

As amended, claim 1 requires "a release mechanism configured to receive said hockey puck from said feed chute and to downwardly release said hockey puck, wherein said feed and said release of said hockey puck are powered by said power supply, and wherein said release mechanism is configured to facilitate a leveling of said hockey puck such that said hockey puck is generally horizontal when released." (Emphasis added).

It is instantly notable that both Boni and Sharp disclose systems that propel objection horizontally. (See Sharp FIG. 1; Boni FIG. 2). Thus, neither Sharp nor Boni disclose "a release mechanism ... to downwardly release said hockey puck" as is required by claim 1. In particular, Boni includes a hammer 50 that propels a puck 18 in a horizontal manner. (See FIG. 2; Col. 2, Lines 48-53). Additionally, Sharp discloses a horizontal system for propelling balls down tube 15. (See FIG. 1; Col. 1, Lines 62-66).

Thus, because neither Boni nor Sharp disclose each and every claim limitation, claim 1 is in condition for allowance. Further, claims 5-7, and 9-12 depend from claim 1. Thus, for at least the same reasons, claims 5-7, and 9-12 are in condition for allowance.

Independent Claim 13

Claim 13, as amended, requires "a gripper configured to secure said hockey puck while said stopper is extended and to downwardly release said hockey puck after said stopper has retracted, wherein said hockey puck is substantially horizontal when released." (Emphasis added). As discussed above with respect to claim 1, neither Boni nor Sharp disclose a system "to downwardly release said hockey puck." Thus, the combination of Boni and Sharp does not disclose each and every limitation of claim 13. For at least this reason, claim 13 is in condition for allowance. Further, claims 17-20, 22, 23, and 26 depend from claim 13. Thus, for at least the same reasons as claim 13, claims 17-20, 22, 23, and 26 are in condition for allowance.

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Dependent Claims 24-25

Claims 24-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Boni in view of Official Notice. Claims 24-25 depend from claim 13. As noted above, Boni does not disclose each and every limitation of independent claim 13. Thus, for at least this reason, dependent claims 24-25 are in condition for allowance.

Dependent Claims 8 and 21

Claims 8 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Boni and of Sharp and further in view of U.S. Patent 3,838,676 to Kahelin ("Kahelin '676").

Claim 8 depends from claim 1. Further, claim 21 depends from claim 13. Thus, the arguments above with respect to claim 1 and claim 13 are equally applicable here. Further, the addition of Kahelin '676 does not cure the inadequacies of Boni and Sharp. Thus, for at least the same reasons as claim 1, claim 8 is in condition for allowance. Additionally, for at least the same reasons as claim 13, claim 21 is in condition for allowance.

Allowable Subject Matter

Applicants thank the Examiner for the indication of allowable subject matter. Claims 3 and 15 have been rewritten in independent form as suggested by the Examiner to place the claims in condition for allowance. Thus, it is respectfully requested that the objections be withdrawn.

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CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66274-0001 from which the undersigned is authorized to draw.

Dated: *December 27, 2005*

Respectfully submitted,

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